

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : William P. SHAOUY, et al. Confirmation No. 7307
Appln No. : 09/810,992 Group Art Unit: 2174
Filed : March 16, 2001 Examiner: Peng Ke
For : IMPROVED METHOD AND APPARATUS FOR TAILORING CONTENT OF
INFORMATION DELIVERED OVER THE INTERNET

REQUEST FOR PRE-APPEAL BRIEF REVIEW

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria, VA 22314
Sir:

This request is being filed concurrently with a Notice of Appeal and is responsive to the Final Official Action of June 3, 2005.

Reconsideration and withdrawal of the single 35 U.S.C. § 102(a) rejection and the three 35 U.S.C. § 103(a) rejections is respectfully requested in view of the following remarks.

A prima facie case of anticipation has not been set forth and the Rejection Under 35 U.S.C. § 102(a) Is Improper. A prima facie case of unpatentability has also not been set forth and the Rejections Under 35 U.S.C. § 103(a) Are Improper

Examiner's Assertion

In rejecting claims 18 and 19 as anticipated by FORECAST PRO, the Examiner asserts that a prior art publication date of no later than December 31, 2000 has been established (see Advisory Action of October 18, 2005). This assertion is not correct.

Applicants' Response

While the Examiner has alleged that a duplicate copy of the on-line publication of FORECAST PRO has been identified by Wayback Machine as early as December 6, 2000, the Examiner has failed to provide evidence of the noted duplicate copy. Applicants submit that the Examiner has not established a publication date for FORECAST PRO which is earlier than Applicants filing date of March 16, 2001.

Examiner's Assertion

In rejecting claims 18 and 19 as anticipated by FORECAST PRO, the Examiner also asserts that FORECAST PRO discloses an arbiter which selects a personalization engine by analysis of a profile element and that the personalization engine selects a personalized content object to tailor information provided by the user. (claim 18). In particular, the Examiner alleges that the expert system of FORECAST PRO constitutes the arbiter, the data entered by the user constitutes the profile element and that the forecasting technique selected by FORECAST PRO constitutes the personalization engine (see page 2 of the Final Office Action).

Applicants' Response

Applicants disagree. Claim 18 requires, among other things, an arbiter, a personalization engine, and a personalized content object having a profile element. By way of non-limiting example, Fig. 3 shows the arbiter 310 and the personalization engine 325A-325C. Fig. 2A shows the personalized content object 200 having one or more profile elements 205A-205N. Such features are not disclosed in FORECAST PRO. For example, the Examiner is not correct that the expert system disclosed in FORECAST PRO can be characterized as the recited arbiter. Claim 18 requires that the arbiter select a personalization engine by analyzing at least one profile element. The expert system in FORECAST PRO, on the other hand, merely analyzes data and "selects the appropriate forecasting technique". An expert system is not an arbiter and a forecasting technique is not a personalization engine. By way of non-limiting example, an arbiter outputs a request object, and enables and selects one of the personalization engines (see page 6, lines 10-19 of the specification). Furthermore, a personalization engine is a type of engine which decides how information is tailored (see page 7, lines 5-9 of the specification).

The Examiner is also not correct that the forecasting technique disclosed FORECAST PRO can be characterized as the personalized content object which has the at least one profile element. By way of non-limiting example, the instant specification describes the personalized content object 210 as comprising information tailored to the advantage of the user or the application program (see page 5, lines 15-23). The disclosure of FORECAST PRO, on the other hand, does not contain any

language explaining that the forecast technique includes information tailored to the advantage of the user or the application program.

Examiner's Assertion

In support of the obviousness rejections, the Examiner asserts that KADOWAKI teaches passing a request object containing at least one profile element to an arbiter (claim 1) and an arbiter for accepting and analyzing a request object (claim 8) at col. 18, lines 38-61 of KADOWAKI (see pages 4 and 6 of the Final Office Action).

Applicants' Response

Applicants disagree. The cited language of KADOWAKI merely states the following:

When a description designating personalization is found in a print job, as shown in FIG. 16A, the printer controller 41 sends apparatus ID information 64-2 of the printer controller 41, machine type ID information 64-3, machine type group ID information 64-4, user ID information 64-5, and a password 64-6 to the personalizing server 3-1 having a certain network address 64-1. The network address 64-1 of the personalizing server 3-1 is acquired as a part of user ID information described in the print job. The apparatus ID information 64-2 uniquely identifies the corresponding apparatus. More specifically, the network address of the printer controller 41 is used. The machine type ID information 64-3 identifies the machine type of printer by a number, e.g., 1 for a type X printer of a company A, 2 for a type Y printer of the company A, and 3 for a type Z printer of a company B. The machine type group ID information 64-4 identifies the machine type group by a number, e.g., 1 for a copying machine, 2 for a facsimile apparatus, and 3 for a printer. The user ID information 64-5 uniquely identifies the current user who has transmitted a print job currently being processed. The password 64-6 authenticates whether the user who has transmitted a print job is a user who is authorized to use the printer. This password 64-6 is acquired as a part of user ID information described in a print job.

Applicants fail to see the relevancy of the above-noted language. Clearly, such language is entirely unrelated to passing a request object containing at least one profile element to an arbiter or to an arbiter that selects a personalization engine from the plurality of personalization engines by analyzing the at least one profile element. A printer controller is not an arbiter. An arbiter outputs a request object, and enables and selects one of the personalization engines (see page 6, lines 10-19 of the specification).

Examiner's Assertion

In support of the obviousness rejections, the Examiner also asserts that KADOWAKI teaches selecting a personalization engine from a plurality of personalization engines with an arbiter (claim 1) and a plurality of personalization engines for selecting at least one personalized content object from a content database (claim 8) at col. 15, lines 41-45 of KADOWAKI (see page 4 of the Final Office Action).

Applicants' Response

Applicants disagree. The cited language of KADOWAKI merely states the following:

The second difference from the first embodiment is the use of a plurality of personalizing servers. That is, a certain user acquires personalizing information from a personalizing server 3-1, and another user acquires personalizing information from a personalizing server 3-2.

Applicants fail to see the relevancy of the above-noted language. Clearly, such language is silent with regard to using an arbiter to selecting a personalization engine from a plurality of personalization engines or to a plurality of personalization engines for selecting at least one personalized content object from a content database (claim 8). Again, an arbiter outputs a request object, and enables and selects one of the personalization engines (see page 6, lines 10-19 of the specification).

Examiner's Assertion

In support of the obviousness rejections, the Examiner further asserts that KADOWAKI teaches accessing a content database to retrieve a personalized content object identified by the personalization engine selected by the arbiter (claim 1) and an arbiter that selects a personalization engine from the plurality of personalization engines by analyzing the at least one profile element (claim 8) at col. 18, line 62 to col. 19, line 11 of KADOWAKI (see page 6 of the Final Office Action).

Applicant's Response

Applicants disagree. The cited language of KADOWAKI merely states the following:

Upon receiving the user ID information and the like from the printer controller 41, the personalizing server 3-1 first checks the user ID information and the password. If the personalizing server 3-1 authenticates that the user is an authorized user, the personalizing server 3-1 extracts personalizing information managed by itself and stored for an apparatus of that user. The personalizing server 3-1 sends this personalizing information, such as shown in FIG. 16B, to the printer controller 41. As shown in FIG. 16B, the personalizing information in the second embodiment contains a cumulative number of printed sheets 65-1 of the current user, an upper-limit number of printed sheets 65-2 of the current user, an available function list 65-3 of the current user, font data 65-4 of the current user, cover sheet image data 65-5 of the current user, and form image data 65-6 of the current user. The printer controller 41 accomplishes personalization by copying this personalizing information to the storage areas 62-1 to 62-6 shown in FIG. 15B.

Applicants fail to see the relevancy of the above-noted language. Clearly, such language is silent with regard to an arbiter that selects a personalization engine from the plurality of personalization engines by analyzing the at least one profile element. As

explained above, the instant specification describes the personalized content object 210 as comprising information tailored to the advantage of the user or the application program (see page 5, lines 15-23) and an arbiter as outputting a request object, and enabling and selecting one of the personalization engines (see page 6, lines 10-19 of the specification).

Examiner's Assertion

While acknowledging that KADOWAKI fails to disclose actively selecting, by analysis of the at least one profile element, a personalization engine from a plurality of personalization engines with an arbiter, wherein the arbiter refines and alters a selection based on a number and type of the profile element (claim 1), the Examiner nevertheless asserts that this feature is taught by FORECAST PRO.

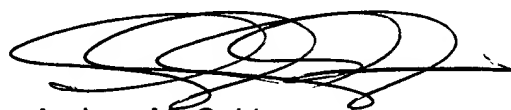
Applicants' Response

Applicants disagree. While it can be argued that FORECAST PRO discloses analyzing data in order to select an appropriate forecasting technique, such disclosure is hardly suggestive of analyzing at least one profile element and actively selecting a personalization engine from a plurality of personalization engines with an arbiter, wherein the arbiter refines and alters a selection based on a number and type of the profile element. FORECAST PRO simply bears no relationship or relevance, whatsoever, to this claimed element.

CONCLUSION

Reconsideration of the Final Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,
William P. SHAOUY, et al.

A handwritten signature in black ink, appearing to read 'Andrew M. Calderon', with a stylized flourish at the end.

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November 3, 2005
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